

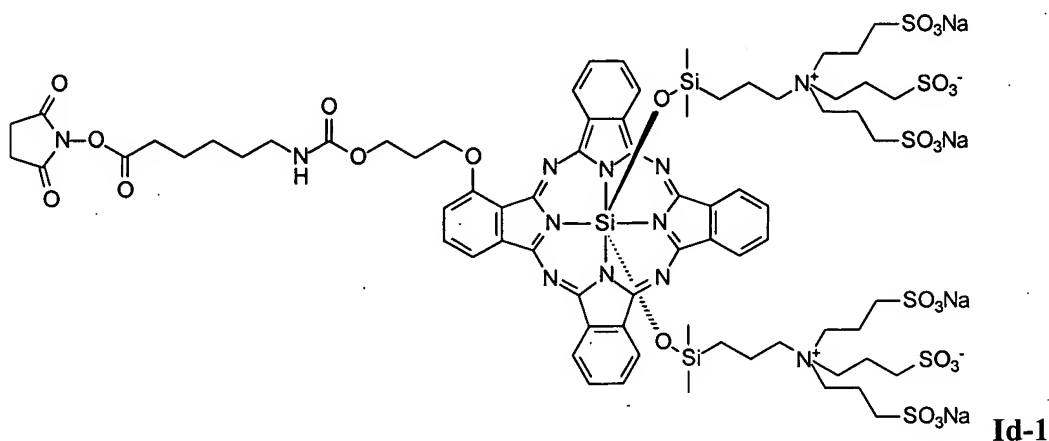
REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 1-38 will be pending in this application and presented for examination. Claims 9, 12, 13, 14, 15 and 16 have been amended to depend from claim 4. No new matter has been introduced with the foregoing amendments. Reconsideration and respectfully requested.

The Examiner has indicated that restriction to one of the following groups is required under 35 U.S.C. § 121.

- I. The phthalocyanine dye according to claim 1 of formula I;
- II. The phthalocyanine dye according to claim 4 of formula Ia;
- III. The process for making a dye-labeled biomolecule of claims 25-36; or
- IV. The kit for labeling the biomolecule of claims 37-38.

In response to the restriction requirement, Applicants elect Group I, drawn to a compound of formula I, with traverse. Claims readable thereon include claims 1-16. In addition, the compound recited in claim 13 is elected as a species for search purposes only. The compound is reproduced below for the Examiner's convenience:



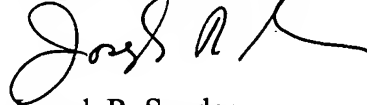
Applicants respectfully assert that Groups I and II should be joined and searched on their merits. As the Examiner has indicated, both Groups are classified in class 540. If the

search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803.

Moreover, as the Examiner is well aware, under M.P.E.P § 821.04, if Applicants elect claims directed to the product, and the product claims are allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claims must be rejoined. Process claims, which depend from, or otherwise include all the limitations of the patentable product, will be entered *as a matter of right*. Upon the Examiner's acknowledgement of the allowability of the product claims, Applicants will amend the claims of Group III to be commensurate in scope.

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Joseph R. Snyder
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
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